



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DOMESTIC SECTION 214 APPLICATION FILED FOR THE ACQUISITION OF ASSETS OF NETLOJIX TELECOM, INC. BY FIRST CHOICE TECHNOLOGY, INC.

STREAMLINED PLEADING CYCLE ESTABLISHED

WC Docket No. 09-35

Comments Due: April 23, 2009

Reply Comments Due: April 30, 2009

On March 10, 2009, NetLojix Telecom, Inc. (NetLojix) and First Choice Technology, Inc. (First Choice) (together, Applicants) filed an application pursuant to section 63.03 of the Commission's rules to transfer the telecommunications assets of NetLojix to First Choice.¹ NetLojix, a Delaware corporation, provides interexchange services in the contiguous 48 states with the exception of New Hampshire and New Mexico. First Choice, also a Delaware corporation, provides interexchange services in 34 states.² Applicants state that the following U.S. citizens directly or indirectly own at least 10 percent of the equity of First Choice: Scott Howsare, 33.3%, Leon Nowalsky, 33.3% and Robert Sorrentino, 33.3%. Robert Sorrentino owns a 10 percent or greater interest in the following telecommunications companies: Reduced Rate Long Distance, LLC, which provides interexchange services in the contiguous 48 states with the exception of Vermont; Horizon Telecom, Inc., which was sold to Reduced Rate Long Distance, LLC on January 23, 2009; Advantage Telecommunications, Corp., which provides interexchange services in multiple states; and Reliant Communications, Inc., which does not currently provide any telecommunications services.

Pursuant to the terms of the proposed transaction, substantially all of the telecommunications assets of NetLojix will be transferred or assigned to First Choice. Applicants assert that the proposed transaction is entitled to presumptive streamlined treatment under section 63.03(b)(2)(i) of the Commission's rules and that a grant of the application will serve the public interest, convenience, and necessity.³

¹ 47 C.F.R. § 63.03; *see* 47 U.S.C. § 214. Applicants are also filing applications for transfer of control associated with authorization for international services. Any action on this domestic section 214 application is without prejudice to Commission action on other related, pending applications. On April 1, 2009, Applicants filed a supplement to their domestic section 214 application (NetLojix/First Choice Supplement).

² The 34 states are: Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, Utah, Washington, West Virginia, Wisconsin, and Wyoming.

³ 47 C.F.R. § 63.03(b)(2)(i).

GENERAL INFORMATION

The Wireline Competition Bureau finds, upon initial review, that the transfer of assets identified herein is acceptable for filing as a streamlined application. The Commission reserves the right to return any transfer of control application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules and policies. Pursuant to section 63.03(a) of the Commission's rules, 47 C.F.R. § 63.03(a), interested parties may file comments **on or before April 23, 2009**, and reply comments **on or before April 30, 2009**. Unless otherwise notified by the Commission, the Applicants may transfer control on the 31st day after the date of this notice.⁴ Comments must be filed electronically using (1) the Commission's Electronic Comment Filing System (ECFS) or (2) the Federal Government's e-Rulemaking Portal. *See* 47 C.F.R. § 63.03(a) ("All comments on streamlined applications shall be filed electronically . . ."); *Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Comments may be filed electronically using the Internet by accessing the ECFS, <http://www.fcc.gov/cgb/ecfs/>, or the Federal e-Rulemaking Portal, <http://www.regulations.gov>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

In addition, e-mail one copy of each pleading to each of the following:

- 1) The Commission's duplicating contractor, Best Copy and Printing, Inc., fcc@bcpiweb.com; phone: (202) 488-5300; fax: (202) 488-5563;
- 2) Myrva Charles, Competition Policy Division, Wireline Competition Bureau, myrva.charles@fcc.gov;
- 3) Heather Hendrickson, Competition Policy Division, Wireline Competition Bureau, heather.henderickson@fcc.gov;
- 4) David Krech, Policy Division, International Bureau, david.krech@fcc.gov; and
- 5) Jim Bird, Office of General Counsel, jim.bird@fcc.gov.

Filings and comments are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor,

⁴ Such authorization is conditioned upon receipt of any other necessary approvals from the Commission in connection with the proposed transaction.

Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554; telephone: (202) 488-5300; fax: (202) 488-5563; e-mail: fcc@bcpiweb.com; url: www.bcpiweb.com.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, please contact Myrva Charles at (202) 418-1506 or Heather Hendrickson at (202) 418-7295.

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